

RESPONSE

Support

Applicants have amended claims 1, 15 and 18 to specify that the liquid carrier comprises water and at least one co-solvent. Support for these amendments is found in claim 3 as well as on page 4, lines 6-12 of the specification.

Applicants have added new claims 21, 22 and 23 which correspond to claims 1, 15 and 18 respectively. However instead of including the features of claim 3, as currently amended claim 1, 15 and 18 now do, new claims 21, 22 and 23 specify the fiber present is fiberglass. Support for these new claims is found in claims 1, 15 and 18 in combination with claim 7. Support is also found on page 4, lines 17 to 32 of the specification.

Claim 4 has been amended to depend on claim 1 instead of claim 3.

Applicants have cancelled claims 2 and 3.

No other elements of the claims have been changed.

Response

The Examiner rejected claims 1-2, 8, 10-15 and 17-20 under U.S.C. 102(b) as anticipated by Boncan et al (US 6145591). The Examiner specifically notes that Example 6 in Boncan teaches a cement slurry containing silica, a naphthalene sulfonate, and a liquid cement retarder. Claims 3-7 and 9 were objected to for depending on a rejected base claim. No other rejections or objections were made.

This indicates the Examiner would currently consider claims 3-7 and 9 to be allowable if rewritten in independent form and/or incorporated into an independent claim of the application.

Applicants have amended claims the claims (specifically independent claims 1, 15 and 18) to specify that the liquid carrier comprises water and at least one co-solvent. These amendments effectively incorporate the features of claim 3 into claims 1, 15 and 18. Claim 3 was not the subject of a rejection in the current office action, but rather was only objected to for depending on a rejected base claim. Therefore, Applicants request that the current rejections based on Boncan be removed and the claims be allowed.

Applicants have also added new claims 21, 22 and 23. These new claims correspond to claims 1, 15 and 18, except that the features of claim 3 have not been added to them. Instead, claims 21, 22 and 23 incorporate the features of claim 9. That is, claims 21, 22 and 23 specify that fiberglass fibers are used in the claimed compositions and methods. Claim 9 was not the subject of a rejection in the current office action, but rather was only objected to for depending on a rejected base claim. Therefore, Applicants request that no rejections based on Boncan be made against new claims 21, 22 and 23 and that these claims be allowed.

Finally, Applicants note the absence of an art rejection against claims 3-7 and 9. These claims were only objected to in the current office action. Therefore any rejection of the current claims in the next office action, assuming there is one, cannot be properly made final as such a rejection will not have been necessitated by a claim amendment or based on information from an information disclosure statement. (See Section 706.07(a) of the MPEP).

Conclusion.

For the foregoing reasons it is submitted that the present claims are novel and unobvious over the cited reference, and in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. Therefore an early and favorable reconsideration is respectfully requested. If the Examiner believes that only minor issues remain to be resolved, a telephone call to the Undersigned is suggested.

Any required fees or any deficiency or overpayment in fees should be charged or credited to deposit account 12-2275 (The Lubrizol Corporation).

Respectfully submitted,

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